

adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 doz. cans No. 1—10 ounces each—Roberts Bros. Big R Brand tomato pulp—main office, Baltimore, Md." (On retail packages) "Big R Brand—packed by Roberts Bros. Main office Baltimore, Md.—Big R Brand—Made from pieces and trimmings of tomatoes—tomato pulp—contents weigh 10 oz." Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, putrid, or decomposed vegetable substance.

On January 10, 1914, the said Roberts Bros., claimants, having consented to a decree of condemnation and destruction, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the said claimant should pay the costs of the proceeding.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3229. Adulteration of canned goods. U. S. v. 300 Cases of Canned Goods. Default decree of condemnation, forfeiture, and destruction. (F. & D No 5459. S. No. 2027.)

On December 1, 1913, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 cases of canned goods, consisting of canned vegetables, to wit, canned corn, canned tomatoes, canned succotash, canned peas, and canned beans, and an assortment of canned sirups, remaining unsold in the original unbroken packages and in possession of A. L. Weisenburger, and stored in the premises of the Northwestern Storage Warehouse, Chicago, Ill., alleging that the product had been shipped by E. L. Fretchling and A. L. Weisenburger from Hamilton, Ohio, on November 7, 1913, and transported from the State of Ohio into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. Adulteration of all these canned products was alleged in the libel for the reason that they consisted wholly of a filthy, decomposed, and putrid vegetable substance. Adulteration was also alleged in the libel for the reason that they consisted in part of a filthy, decomposed, and putrid vegetable substance.

On January 15, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3230. Adulteration of walnuts. U. S. v. 25 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5460. S. No. 2031.)

On December 1, 1913, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 bags, each containing nuts, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. Adulteration of the product was alleged in the libel for the reason that it consisted, in part, of a filthy, decomposed, and putrid vegetable substance.

On January 17, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3231. Misbranding of wild cherry pepsin. U. S. v. 5 Cases of Wild Cherry Pepsin. Plea of guilty. Product released on bond. (F. & D. No. 5461. S. No. 2033.)

On December 4, 1913, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of wild cherry pepsin, remaining unsold in the original unbroken packages and in possession of the Wheeling Liquor Co., Wheeling, W. Va., alleging that the product had been shipped during the month of November, 1913, by the Samuel P. Haller Co., Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: (On shipping cases) "Dr. Johnson's Wild Cherry Pepsin, Greatest Tonic in the World, Samuel P. Haller Co., Pittsburg, Pa., Cures indigestion, guaranteed to conform with the National Pure Food Law. Wheeling Liquor Co., Wheeling, W. Va. From Samuel P. Haller Co., Pittsburg, Pa." (On bottles—principal label) "Dr. Johnson's Wild Cherry Pepsin, Greatest Tonic in the World, Delicious Flavor, Samuel P. Haller, Pittsburg, Pa." Design of a branch with leaves and cherries. (Side label) "Dr. Johnson's Wild Cherry Pepsin, prepared with the greatest care from the juice of ripe wild cherries and pepsin. It combines the elements of medicinal virtues with those of an agreeable and pleasant drink. It is a positive cure for dyspepsia, indigestion, colic, colds, diarrhoea and all other diseases originating from weak organs. Directions, Take one wine glass full either before or after meals. It can also be taken mixed with wine, brandy or whiskey in equal proportions at any time. Give women and children smaller doses. It may also be taken mixed with good wine, such as Port or Sherry. For sale by all leading liquor dealers, druggists and grocers. Caution, sold in bottles only, never in bulk. Samuel P. Haller."

Misbranding of the product was alleged in the libel for the reason that the preparation indicated by the said labels as aforesaid that it was essentially a wild cherry pepsin preparation, when, in fact, there was only a trace of pepsin present and little, if any, wild cherry, the product being artificially flavored with benzaldehyde and artificially colored to give it the flavor and appearance of wild cherry. Misbranding was alleged for the further reason that the product was labeled, "Greatest Tonic in the World," and bore on the labels, in both English and German, "A positive cure for dyspepsia, indigestion, colic, colds, diarrhoea and all other diseases originating from weak organs," when, in truth and in fact, said statements contained on the labels aforesaid were false, fraudulent, and misleading, since the product contained no ingredients capable of producing the therapeutic effects claimed for it in said labels as aforesaid.

On December 22, 1913, the said Samuel P. Haller Co., Pittsburgh, Pa., claimant, having filed bond in the sum of \$500, in conformity with section 10 of the act, it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.